5-2005

2005 Vol. 53 No. 6

Cleveland-Marshall College of Law

Living, Breathing Document?

The Founding Fathers wrote the Constitution several hundred years ago. Gavel columnists explore whether it should be interpreted in its historical context or with a modern slant.

CAREER, PAGE 5

Verdict: "Bullet Proof" Bench

With the recent high profile violence against judges, the Gavel examines the history of violence and measures taken to protect the judiciary.

LAW, PAGE 3

Standing up for democracy

President Bush's critics call his plan to end tyranny around the world as a "lofty goal." The Gavel explains how the spread of democracy, though not easy, is essential.

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THE GAVEL

VOLUME 53, ISSUE 6 MAY 2005

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

Jackson attempts escape

By Christopher Friedenberg
STAFF WRITER

On April 24, former C-M student Stephen Jackson escaped from Ashtabula County Jail. Two Ashtabula corrections officers were attacked and overpowered by Jackson and fellow inmate Michael Hegyi, according to the Ashtabula sheriff's office. Both prisoners were recaptured later that afternoon. Jackson is awaiting trial in the U.S. Northern District Court of Ohio on several charges of armed bank robberies committed between May and August against Charter One Bank, Huntington National Bank and Fifth Third Bank in the Cleveland area.

Additional charges from the escape are expected to be filed by the Ashtabula County Prosecutor, said a spokesperson from the Ashtabula sheriff's office. "It's up to the prosecutor to decide what charges to file," said the spokesperson. "But attempted murder is

See **JACKSON**, page 2

An engaging endeavor

Paying tribute to Dean Steinglass, who is stepping down as dean after nine years

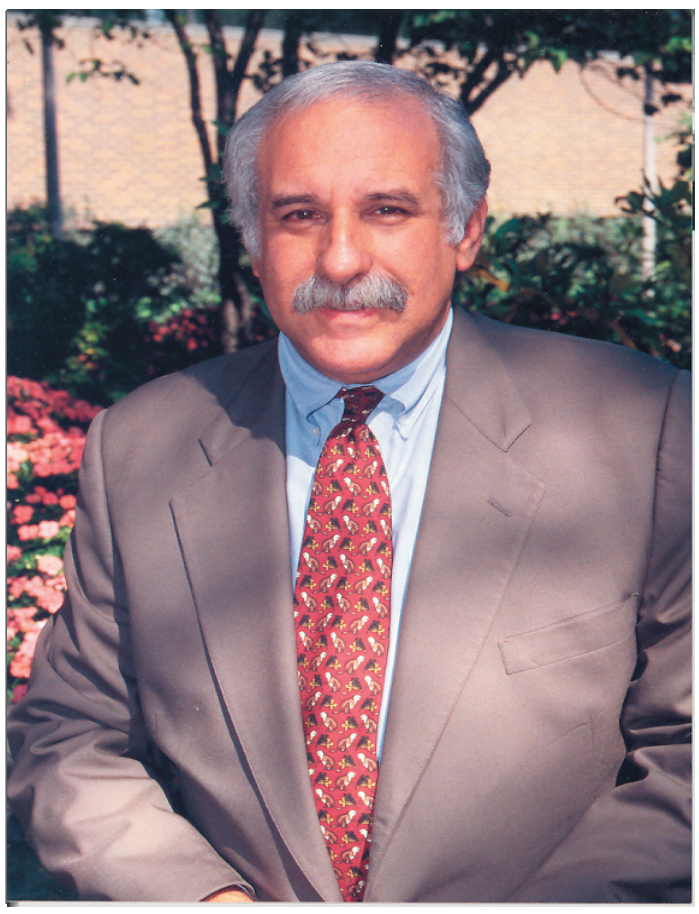
By Eric Doeh
MANAGING/NEWS EDITOR

Come June 2005, Cleveland-Marshall College of Law's Dean Steve Steinglass will embark on yet another path. After nine years of faithfully serving C-M, Steinglass will officially step down as dean and become a member of the faculty beginning July 1, 2005.

The Cleveland State University Trustees awarded the designation of Dean Emeritus to Steinglass.

According to Steinglass, "After nine years, I am going to do something that has not happened in the recent history of this law school. I am returning to the position that I held when I first came to Cleveland in 1980, a member of the law faculty."

When asked as to whether he enjoyed his tenure as dean, Steinglass responded with a satisfactory smile and said, "Yes."



Refusing to take credit for all of the success at C-M, Steinglass applauded the staff and faculty for what he called their "intellectual capital." Steinglass referenced 20 academic and professional conferences that the law school has sponsored as a tribute to the intellectual success and dialogue at C-M.

Particularly, Steinglass mentioned the symposiums on the trial of Sam Sheppard (April 2001) and the Ohio Constitution (April 2003) as benchmarks of C-M's continued success.

According to Steinglass, two of the most notable highlights of his tenure were when he presided over the law school's Centennial in 1997 and over the opening of C-M's new law library.

When asked as to the one word or phrase that sum up how he would like to be remembered, Steinglass said, "Engaged."

See **STEINGLASS**, page 3

February 2005 Bar Results

	1st Time (%)	Overall (%)
Capital	78	52
CWRU	91	75
C-M	62	57
Ohio Northern	67	62
Ohio State	100	92
Akron	72	64
Cincinnati	75	67
Dayton	44	46
Toledo	93	73

Out of 519 applicants, 321 (62 percent) received passing scores; out of 219 first time applicants, 74 percent received passing scores. For the 2004 February Bar Exam, 58 percent of C-M first-time takers passed with an overall passage rate of 43 percent.

Bar exam workshop wins ABA approval

By Amanda Paar
CO-EDITOR-IN-CHIEF

Recently, C-M's Bar Preparation Workship received approval from the American Bar Association to be offered for credit. Students may now enroll in Ohio Bar Exam Strategies and Tactics for three hours of elective credit.

The course's curriculum includes a substantive review of torts, property and contracts, and simultaneously teaches the best approaches to both bar essay and multiple choice questions.

The workshop was first offered in the spring of 2004 on a non-credit basis. Only a handfull of students completed the entirity of the course. However, 83 percent of all students enrolled passed the Bar Exam the first time.

Dean Gary Williams realized that participation is essential to the workshop and began taking steps toward ABA acreditation.

The workshop was offered again this spring on a non-credit basis. The class meets for three hours on either Saturdays or Sundays, depending on which session a student is enrolled in.

According to Williams, the course was "advertised" more than in the previous year. Consequentially, more students enrolled and more students ultimately completed the course.

There are three main goals of the course, said Williams. First, is to "let students know what is expected of them on the Bar Exam and the general structure of the exam."

Second, the workshop is intended to "give students the basic skills training that the bar examiners look for," said Williams.

Third, Williams said the workshop gives students a head start substantively in reviewing the first-year courses.

"Repetition is a key element of the workshop," said Williams. Throughout the course, students read the black-letter law, take notes and outline the law, then apply it through essay and multiple choice practice questions. Through this repetition, "students learn the process of Bar Exam preparation," said Williams.

The workshop is not intended to replace a commercial bar review course, said Williams. Rather, the workshop is "prep for bar prep," he said. However, the workshop offers more personal feedback than standard prep courses, said Williams.

Ryan Ramage, 3L, participated consistantly in the workshop and recommends it to other students. "The course is quite helpful in showing how you are prepared for the Bar Exam after three years of law school, and where you can improve," said Ramage.

THE GAVEL
Law
May 2005

Goodbye, good luck

By Steven Steinglass

This is my final *Gavel* column as Dean of C-M. During the past nine years, I have addressed a broad range of issues affecting the law school and our students, including the law school's history, the Bar Exam, pro bono and community service, the curriculum, networking and our evening program.

I came to Cleveland in 1980 as a clinical professor after a decade of practice as a legal services lawyer in Wisconsin. C-M was an attractive destination for me because the law school was committed to bridging the gap between theory and practice, and Cleveland was a solid Midwestern city that reminded my wife Dianne and me of her native Milwaukee, the city in which I lived and practiced in the early years of my legal career. And though I did not fully understand it at the time, Cleveland was a great law town and C-M was in many ways the foundation of this legal community.

The Dean's Column

In Wisconsin, I served as director of the state's largest legal services program, a program that employed 40 attorneys in 11 counties in Southeastern Wisconsin. I left a great job, which included serving as de facto legal director, when I was "at the top of my game," but I had experienced enough law school and other teaching to whet my appetite. And I have not been disappointed by the opportunities that C-M afforded me—teaching clinical and traditional courses, mentoring countless students, writing two books and many law review articles and participating in professional and academic conferences and programs in more than 20 states throughout the country.

When my predecessor, Dean Steven R. Smith, asked me to become associate dean in 1994 after Professor and Associate Dean Solomon Oliver left the law school for the federal bench, I had no idea that my two year "tour" in administration would be followed by a year as interim dean and eight years as dean. Nor did I realize how personally rewarding I would find my experience as dean of this important institution.

I have described in other places the highlights of my nine years as dean and my decision to step down as dean and return to the faculty. I was fortunate to become dean when we were preparing to open our new law library and celebrate our centennial, defining moments in the history of the law school. As I look back on the last decade, the initiatives that stand out include the following.

A strategic planning process that recognized the special role this law school has played as the foundation of the legal community in Northeast Ohio and that harnessed the energies of the law school community.

The strengthening of the faculty through the hiring of 13 faculty members from throughout the country, and the appointment of three faculty members to named professorships.

The undertaking of efforts to strengthen C-M's reputation and influence regionally and nationally through the expansion of our public lecture series and conferences, the increase in communications with alumni and friends throughout the country (including *Letter of the Law*) and the creation of our National Advisory Council.

The launching of a strong pro bono program that has given our students the opportunity to engage in community and pro bono service; the expansion of the legal writing and research program, clearly one of the finest in the nation; the increased use of technology in the classroom and in the administration of the law school; the adoption of a plan to improve performance on the Bar Exam by reducing the size of the law school, by strengthening the academic profile of our student body, by providing more feedback and rigor in the classroom and by expanding the academic assistance available to all students.

An increase in efforts to recruit a more national student body, while maintaining our commitments to being a law school of opportunity, to the part-time program and to diversity

The creation of a mature development program that raised more than $10 million in gifts and pledges, that created a planned giving society in memory of Dean Wilson G. Stapleton '34 and that engaged volunteers from the Law Alumni Association, the National Advisory Council, the Visiting Committee and the Cleveland legal community.

The future for the law school is bright. With an excellent and engaged faculty, a creative and hard-working administrative staff, an academically stronger and talented student body, a loyal and generous alumni network, a maturing university and an excellent and supportive legal community, there is no limit to where C-M can go.

My personal plans include a year away from the law school where I will recharge my batteries and get ready to return to the teaching, scholarship and service that first brought me to Cleveland 25 years ago.

I conclude by saying thank you for the privilege and honor of serving as your dean. Our graduating students are facing two demanding months. I wish them luck and hope the skills and knowledge that they have acquired along with their hard work and commitment will serve them well on the Bar Exam and in their careers. Our returning students have before them more years of law school, and I wish them good luck as they continue the journey that will result in their joining the graduating class as members of the bar and as graduates of this fine institution.

School Funding Reform

By Ryan Harrell
STAFF WRITER

On April 11, the Moot Courtroom became a milestone in former state Rep. Brian Flannery's fight to change the way in which public education is funded in Ohio. It was there that he officially began his campaign to get a proposed constitutional amendment on the state ballot this November. Yet education funding is not a new issue to the state, and Flannery is not new to the fight.

In 1997, after a lengthy appeals process, the Ohio Supreme Court, in *DeRolph v. State of Ohio,* held that the way in which public education was funded was unconstitutional.

Nathan DeRolph was a high school student in rural Perry County who felt that his education was not adequately funded. Because public education is based largely on property taxes, school districts in rural and economically depressed areas do not receive as much money per student as more affluent districts.

The court ordered the Ohio Legislature to fix the problem and determine a minimum level of funding for each student statewide. Although some steps were taken in the statehouse, the Ohio Supreme Court has subsequently twice held that education funding remains unconstitutional.

In 1998, Flannery made a successful bid for a seat in the Ohio House of Representatives by making education funding reform a priority. The former Lakewood City Council member was privately educated and had spoken out locally against increases in education funding under the current system. Flannery says, however, that *DeRolph* gave the state and himself an opportunity to address the problem from a new angle.

Although legislation was drafted in committee, Flannery says there was never enough interest to bring the bill to a full vote, and the issue became stalled. Flannery, a Democrat, holds both parties to blame for this inaction. Disgusted, he did not seek re-election.

Flannery outlined the current problem as he sees it. Currently, property taxes account for about 52 percent of school funding, said Flannery. The rest of the funding is paid through the state's residual budget, which means that the amount of state funding fluctuates with the needs of other state programs. Flannery said, as a consequence, a school district's only recourse is to ask its voters to pass tax levies. Flannery sees such levies as divisive and believes that each additional levy becomes less likely to pass.

Given these circumstances, Flannery believes that the only way to move the issue forward is to change the Ohio Constitution. His proposed constitutional amendment has undergone over 100 revisions, but on April 9, Ohio Attorney General Jim Petro finally approved of its verbiage.

The essence of the amendment is that education will be made a fundamental right in the state. Also, the state must determine a standard to define the value of an adequate education. The proposed amendment relieves about 25 percent of the property tax load, shifting this burden to the state. According to Flannery, the state will be funding about 60 percent of public education. Flannery promotes his plan as being bipartisan. It increases the quality of education, a platform attractive to Democrats, while decreasing the tax load, a prospect attractive to Republicans.

The practical effect of this amendment is that it allows the state to allocate additional monies toward education. The downside to this proposed amendment is that some state programs would have to be cut to avoid raising taxes. Flannery said that he has begun preliminary studies on the programs that could be cut.

Flannery faces a large hurdle especially in persuading the voters as to the importance of this proposed amendment. In order to get the issue on the November ballot, Flannery must first collect 320,000 signatures of support by August 1.

Michael Hustick, 3L, who has volunteered for Flannery, expressed some concerns but remains hopeful. "The biggest challenge in getting the Amendment on the November 2005 ballot is time. Collecting the requisite 350,000 petition signatures and raising the money necessary for what needs to be a vciforous campaign are tall orders given the time available," said Hustick.

JACKSON

Continued from page 1--

a possible [charge]."

The case against Jackson is being presided over by the Hon. Solomon Oliver, Jr. who was a law professor and associate dean of C-M in the 1980s and 90s. Jackson's attorney, Jeffry Kelleher, is a C-M alum.

On Dec. 14, 2004, Jackson's wife and co-defendant Dawn A. Jackson pled guilty to misprision of a felony. Her sentencing has so far been postponed to a later date.

On March 7, Judge Oliver denied Jackson's motions to suppress the search of his residence and his arrest, and partly denied a motion to suppress fruits of unconstitutional arrests, searches and interrogations.

On May 3, 2004, Jackson and his bank robbery co-defendant Dennis A. Harris were ordered to provide saliva samples. According to an affidavit by FBI Special Agent Timothy Kolonick, during last summer's bank robberies, witnesses say the robbers wore black nylon or elastic masks. Following the robberies, elastic masks were recovered from abandoned stolen cars that had been determined to have been used as the getaway vehicles. The prosecution sought saliva samples that might match the DNA of saliva from the masks found in the recovered vehicles.

According to law-enforcement officials, Jackson was arrested in possession of over $1,000 in dye stained currency and over $300 in quarters on Aug. 18, 2004. Earlier that day, a Charter One Bank had been robbed of approximately $120,000, as a dye pack exploded as the robbers fled the scene.

According to agent Kolonick, Jackson's co-defendant Daniel Harris has given statements about his involvement in the auto theft and Charter One Bank robbery in Westlake. "Harris stated that both he and Jackson entered the bank and that Jackson was armed with a .38 caliber revolver," said Kolonick in his affidavit.

Dawn Jackson has also made a number of statements to law enforcement officers about the crimes her husband is charged with committing. According to Jackson, her husband asked her to enter a Fifth Third bank and "report back to him, over a telephone, details about the bank and bank guards."

In other interviews with the FBI, Jackson is said to have indicated that her husband informed her that he and an accomplice had "hit" the Huntington National Bank, and that following the Aug. 18 bank robbery, Jackson asked her to help "clean" money which had been stained.

Jackson's defense attorney declined several requests for comment.

Assault on the judiciary sparks concern

By Jamie Cole Kerlee
STAFF WRITER

In the wake of two tragic attacks this year on judicial members, Americans are left asking whether courtrooms are safe. In Atlanta, a deputy's weapon was wrestled away resulting in the death of one judge, his court reporter and another deputy. The shooter, a convicted criminal with nothing to lose, did not want to go to prison. In Chicago, the husband and mother of another judge were murdered in the judge's home by a man angry with one of the judge's rulings.

Both attacks were completely different in nature. In Atlanta, the shooter was a convicted felon who committed the crime in the courthouse. In Chicago, the murder occurred outside of the courthouse in the judge's private residence. It is alleged that the slaying of Judge Lefkow's family in Chicago was ordered by angry white supremacist Matthew Hale who was formerly convicted in 2003 of soliciting an undercover FBI agent to murder Judge Lefkow. Prior to the murders of her family members, Hale appeared in Judge Lefkow's court and was convicted of trademark infringement.

Although these two tragedies are from completely different circumstances in two completely separate geographical areas, the resulting consensus across the country is the same. There seems to be a serious threat of violence against our judiciary.

Aside from the two recent killing sprees, there have been a number of other judges and their family members murdered.

1999: A Los Angeles court commissioner and his wife were shot outside their home by an unknown individual.

1997: A part-time judge was shot in her office by a man angry over a zoning issue.

1989: An appellate judge was killed by a mail bomb after he failed to overturn the killer's conviction for possessing a pipe bomb.

1988: A federal judge was shot while gardening in his backyard by a man upset over the judge's dismissal of a sexual discrimination lawsuit filed by the killer's daughter.

1987: A judge and his wife were murdered in their home after the mayor of Biloxi and an affiliated racketeering organization contracted for the judge and his wife's murder.

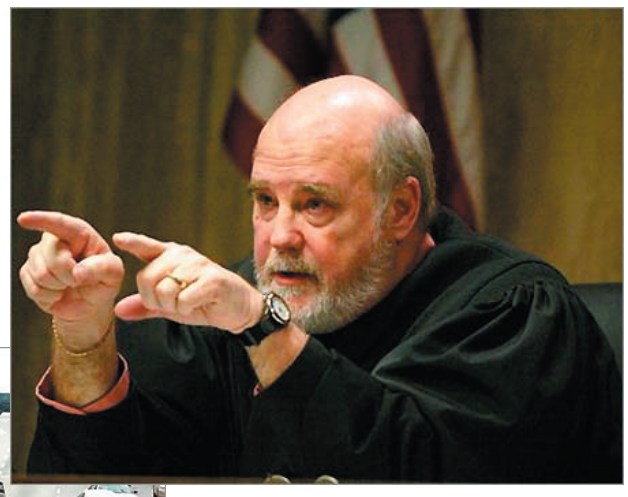
1987: A shooting spree erupted following an alimony hearing resulting in several persons shot and killed, one being the presiding judge.

1983: A judge was shot and killed by a former Chicago police officer upset with the outcome of his divorce case.

1979: A judge was murdered by a sniper outside of his home.

History illustrates two important points. First, violence against judges is nothing new. Second, each year there are approximately 700 threats against federal judges and a countless number of threats against state, county and municipal judges.

The U.S. Marshalls Service reported an increased number of threats over the past two decades, an average of 700 threats against federal judicial officials per year in the past decade contrasting with approximately 240 threats per year in the 1980s.



"Threats are as scary as they are real. If a person threatens a judge, they are likely seeking attention. It's the ones who never make threats that we have to worry about," said Cuyahoga County Court of Common Pleas Judge Nancy Margaret Russo.

Judge Russo has experienced a number of threats in the past, ranging from harassing emails to an individual breaking into her garage in an attempt to scare her. She has been under police protection in the past, and she is grateful for the safety resources that her local law enforcement and courtroom deputies provide.

The most important concern is the safety of judges when they leave the courtroom. Most of the murders of judges have been outside of the courtroom, specifically in or outside their own homes. Four years ago, Cuyahoga County Court of Common Pleas Judge Kathleen Sutula was not at home when her residence was sprayed with gunfire from a machine gun.

It is a common myth that judges are threatened most by criminal defendants, but criminal defendants are the least likely to engage in an act of violence against a judge. People engaged in highly emotional family disputes are more likely to threaten judges than a criminal defendant who, as Judge Russo commented, knows that "if they kill a judge, they're going to get another judge."

Following previous acts of terrorism in Oklahoma, Washington D.C. and New York, many courts have stepped up security measures. Courts have done so by limiting entry access to one or two entries that are guarded by deputies, security or local law enforcement.

All federal courts are protected by the U.S. Marshall Service and have high measures of security for those entering the court, including judges and lawyers going through metal detectors. Security in state, county and municipal courts varies depending on location, local politics and financial ability.

The Justice Center located in downtown Cleveland has large crowds of people filtering in and out of the building every day. Metal detectors, wands, video surveillance and deputies are among the many safety measures in place. However, the building, which was designed long before violence against judges, became a public concern, and there are still a number of changes that could be made to improve the safety of the facility. Such recommendations include bullet proof benches and more accessible egress and ingress routes within the courtrooms.

The main concern Russo has regarding the safety issues at the Justice Center is that the court employees, staff, lawyers and judges are not required to go through the metal detectors. There have been several instances where defense lawyers and plaintiff's lawyers have been so emotional that they have made threats themselves, and some lawyers even pride themselves on carrying concealed weapons.

Again, the pertinent question remains whether the public is willing to pay to make the courts into virtual fortresses when the risk of harm although very real is statistically minimal and the result may only be a false sense of security.

Although the threats against the judiciary from private citizens have occasionally erupted into violence and cannot completely be eradicated, Congress' support of the judiciary is one key to not heightening the violence. The recent attack on the "arrogant" judiciary by the outspoken member of Congress, Rep. Tom DeLay (R-TX), has the potential to incite future violence. Judges are barred from speaking out in their defense by the Judicial Code of Conduct.

Political parties parallel SBA election

By Christopher Friedenberg
STAFF WRITER

"Experience" trumped "Integrity."

In the recent election for SBA officers, the self-titled "Experience" slate of candidates prevailed over the "Integrity" party by a wide margin. Brendan Healy, a part-time student who served this past year as speaker of the SBA Senate is the new president of the SBA. Keller Blackburn will be the vice president of programming, Nadine Ezzie will be vice president of budgeting and Scott Kuboff will be the new treasurer. The winning candidates served in leadership positions in the SBA Senate task forces and committees this past year.

The slate of candidates reflected a political edge. Keller Blackburn is president of C-M's Democratic Law Organization and Kuboff is an active member of the D-LO.

Kearston Buchanan, Integrity candidate for vice president of budgeting, is president of C-M Law Republicans. Michael Lazlo, the Integrity candidate for president, is also an active member of the CMLR.

Despite the tinge of partisanship, this year's campaign was "relatively uneventful" according to outgoing SBA Pres. Nick DeSantis. Last year's SBA elections were upset by charges of campaign irregularities, resulting in a second election being held.

"There were no formal complaints," said DeSantis. Mindful of last year's controversies, "the election committee gave a great deal of attention, and hours of debate, defining the guidelines for this year's election."

According to DeSantis, "We wanted to establish simple flexible guideline that would facilitate the candidate's campaigns without confusion."

Candidates of both parties regularly presented themselves, well-dressed, during election times in the student dining area, encouraging students to vote.

According to a member of the SBA election committee, approximately 450 students voted in this year's election. There were a few write-in candidates, some frivolous, but two write-in officer candidates were subsequently elected to the SBA Senate in the subsequent election for senators.

The following students were elected to the SBA Senate: Virginia Judd, Eric M. Allain, Jenna Metzger, Kristi Brown, Matt Mishak, Norman Schroth, Mark Merins, Chan Carlson, Greg Condra, Jamie Umerly, LaDavia Hatcher, Crystal Blevins, Reginald Russell, Maggie Fishell.

STEINGLASS: Farewell to dean

Continued from page 1--

Steinglass said, "I was engaged with the alumni, students and faculty."

CSU President Michael Schwartz said, "The Cleveland-Marshall College of Law is a far better law school as a result of Steve's leadership. Steve has worked tirelessly and successfully to strengthen the law school's ties with the Cleveland legal community and through his efforts the law school has increased its influence and reputation regionally and nationally."

According to Steinglass, the $6.25 million gift by Iris and Bert Wolstein is one of his most defining moments. Steinglass said, "The Wolstein gift was a wonderful act of generosity.

As for regrets, Steinglass said he wished he had been able to put a package together to lead to the upgrade of the law building. Nevertheless, Steinglass acknowledged that he is certain that eventually the upgrade will be accomplished.

Steinglass would not pin point his most proud accomplishment. But he certainly expressed his astonishment about the National Advisory Council, a group composed of 75 attorneys, judges, business and community leaders from throughout the nation who advises the law school on state and nation issues affecting legal education.

Steinglass hopes that some of the initiatives that have strengthened the law school will continue. Particularly Steinglass mentioned the development plan to upgrade the law building, creation and funding of professorships, the pro bono program, the plan to allow the law school to become smaller and academically stronger while retaining the commitment to part-time legal education and a program that will raise the annual alumni donations.

For vacation, Steinglass is looking forward to traveling with his wife, Dianne, up the Lewis and Clerk Trial from St. Louis along the Missouri River and ultimately to the Oregon coast this fall.

Steinglass is also planning on spending more time on scholarly research. He plans on publishing an edition to his book, *The Ohio State Constition: A Reference Guide*.

When asked as to the one piece of advice he would give to his successor, Geoffrey Mearns, Steinglass said, "Keep smiling, and don't lose your temper."

Strategic planning may improve GPA

By Karin Mika
LEGAL WRITING PROFESSOR

Q: How does one substantially improve their grade point average in law school after the first year?

A: Presumably, students are more versed in the law after the first year such that their point average should go up automatically. However, most people, unless there was some impediment during the first year, discover that the majority of their grades for the final years of law school will be "around and about" the grades received in the first year.

If the goal is substantially improving grades, there is a somewhat different strategy than gaining knowledge, taking classes that interest you or taking classes that enable you to pass the Bar Exam. First and foremost, there is study time. Most, but not all, stellar students are completely immersed in their studies at the expense of everything else they do. This may mean family, work, social relationships and perhaps even health (like not eating or not working out). It is a sacrifice that not everyone is up for, but I would think that total immersion (or more immersion) would be the first step in substantially improving grades.

Legal Writing

But if good grades are the ultimate goal, there are a few strategies that are not foolproof but may help. First, take classes in subject areas that you are good at. Too many people think they can be good at everything if a little extra effort is put in. That just isn't so. When I took tax in law school, I got one problem correct the entire semester. After law school, I couldn't even do my own taxes using TurboTax which actually refused to calculate my taxes because it told me my data didn't make sense.

Secondly, pick professors who will give you good grades. That doesn't mean you should scout out what you perceive to be the "easy" graders, but it does mean that if you got an A from someone this year, you should see what else he or she is teaching. If you got an A (especially if it is your only A), there must be something about your teaching, learning and exam-taking styles that meshes. If you had a professor that gave you C's on everything, no matter how much time you put in, then don't take that professor again, even if you really like that professor, even if it's me.

Lastly, scope out the testing method for a class. If you do well on exams with numerous components, then see who evaluates in that way. If you are dynamite on research and writing long papers, then scope out classes with the option of writing a paper instead of a final.

My advice presumes that beyond this strategy, the other preliminaries are done. This would be adequate preparation and actual knowledge of the material. Additionally, the Bar Exam must play some role in your course selections. Nobody wants to make news by being the first 4.0 student to fail the Bar Exam.

Venturing outside of Ohio proves difficult

By Kathleen Locke
STAFF WRITER

Finding a good job after graduation is a difficult task in itself, but it can be even more difficult for students looking for jobs out of state.

Approximately 90 percent of students stay in Ohio to work after graduation, according to Jayne Geneva, director of the office of career planning. Of those 90 percent who elect to stay in Ohio, approximately 75 percent stay in the Cleveland area.

"Many people stay in Cleveland because they have family here," said Geneva.

Another reason students elect to stay in Ohio and the Cleveland area is because of job opportunities.

Major firms in Cleveland hire graduates from C-M because they know who C-M students are and know that they will stay here. Firms do not want to spend the money to train someone who will end up leaving, said Geneva.

Approximately 10 percent of graduating students each year elect to work out of state following graduation, according to Geneva.

These students leave Ohio for a number of reasons. Several students come from out of state to attend C-M, and they return to their hometown states following graduation. Other students who have lived in Ohio are simply looking for a change.

"I have lived in Ohio my entire life and feel a need to experience life in another state," said Michael Hustick, 3L, who is currently looking for employment in Florida. "I believe now, at the front end of my legal career, is the sensible time to fill that need."

Students looking for employment out of state may find the process to be difficult for a number of reasons.

"Most of my contacts are in northeastern Ohio and referrals are typically limited to positions in this geographical area," said Hustick.

Students also face challenges by employers seeking law students who are local to that area.

"Most employers won't even read your resume after they see you went to C-M if you are from out of state," said Michael Luby, 3L, who will be working in Colorado after graduation.

"The problem is you are an outsider trying to move in," said Geneva. "You need to get your foot in the door and make a connection."

Students need to let the employer know that they are committed to living in that area by showing the employer why they want to move there, according to Geneva.

Geneva suggests that students create a strong resume that makes a connection to employers by transferring their skills to that firm. If a student is interested in working in public interest, then that student should do public interest work here now that might connect to other public interest positions out of state, said Geneva.

Students also need to take advantage of alumni and network as much as possible.

"Networking is the most helpful way to get an out of state position," said Geneva. One way to network is to look at lists of alumni who live out of state. Students can access alumni lists and job postings in other states through the office of career planning.

Geneva also suggests that students go to the career planning office and ask for a reciprocity agreement. This will give students access to job postings from other law schools around the country.

CSU health insurance gives student nightmares

My tale has all the trappings of a classic Shakespearian tragedy: adventure, comedy, pain, heartache, deceit, hope and betrayal. Oh yeah, and a bit of contracts for good measure.

As I'm sure many of you are well aware, CSU offers an insurance plan to its students. The plan is reasonably priced, and for young students who aren't eligible for insurance through work or their parents' insurance plans, it is an attractive offer for a little added peace of mind. That's what I thought, anyway, when I enrolled.

In the spring of 2004, I was diagnosed with cancer. I knew I was going to have a long, hard road ahead of me, but at least I had my trusty student insurance policy to take care of the costs. Sure, it wasn't the best policy around, but it was at least something to offset those massive medical bills. That's why we have insurance, right?

I spent the summer in and out of the hospital, radiation, chemotherapy, you know, normal cancer treatment stuff. My timetable had been delayed, so as it turned out, I was scheduled for surgery the first week of fall semester 2004.

CSU switched its insurance carriers from Mega Health and Life to Aetna's Chickering Group. One policy was supposed to pick up where the other left off. I was in the hospital the day that this happened. No problem, this is the information age right? You can pay for things online with the click of a mouse, why can't I renew my insurance from the hospital? That's exactly what I thought did.

Twenty-four hours prior to these proceedings, I was on an operating table, airing out my entrails, so my mother did most of the leg work. She contacted a person at CSU, told her that I desired to switch my policy over to the new plan and got her to fax over a contract and credit card payment form. My mom filled everything out, and I read it, but I was on some combination of morphine, percocet and toridol at the time, so it probably could have said I was donating a kidney, and I wouldn't have noticed.

I didn't come to find out until seven months later that what the woman actually faxed over, and what I actually signed was a non-renewable insurance extension for exiting students who were no longer eligible for coverage under the CSU plan.

I talked to a dean at C-M, who assured me that my status as a student wouldn't be disrupted. I was able to register for classes the next semester without a hitch. So why did I get a form for exiting ineligible students when I was never ineligible? I never found out. It makes no sense that I would be even able to sign up for this extension plan when it's clearly not applicable to me.

Mail Pail

Better yet, I never got any notice that the extension was terminating. I discovered on Mar. 24, 2005 that I hadn't had insurance since Feb. 22, (exactly six months after the plan changed) because a pharmacy wouldn't fill a prescription. According to Chickering, there is no reason to notify recipients of the extension plan of its termination because they can't renew it anyway (because they are no longer students and ineligible for student insurance).

Dandy. Since I *was* a student (I still am) and *was* eligible to renew my insurance this spring, I could have done that, but I didn't because I didn't know my insurance was lapsing, because Chickering did not inform me. By the time I found out my insurance had lapsed, it was already too late to sign up for spring coverage. In fact, the deadline passed a week *before* the other plan even lapsed. Had I found out the day of the plan's lapsing, it still would have been too late. Chickering said they couldn't do anything. It was up to the CSU administration to make the decision to reinstate my plan.

Okay, this was all a simple misunderstanding. Someone at CSU just faxed us the wrong form, so I'll just explain the situation and get it all ironed out. Simple right? I thought I was signing up for another year's coverage, but I was mistakenly provided the wrong form and signed up for some extension that didn't apply to me, they'll take care of it. It's the right thing to do. Wrong.

I wrote a letter to CSU. They replied very simply that the form I signed was very explicit and that my coverage terminated. It was too late to sign up for coverage in the spring, but I could sign up again in the fall. Yeah, sure. Allow me to sign this form while I get this knife out from between my ribs.

If a university does not look out for its own students, who will? It seems to me that CSU has a vested interest in backing its students, who will eventually become alumni, from whom CSU will undoubtedly solicit donations, to which my reply will be a single digit… and I don't mean a dollar amount under $10.

So I just want to provide a warning to all of the CSU students with student insurance. If at all possible try and find an alternative insurer. These cut-rate student insurers are looking for a typically low-risk demographic to leech off of for a few extra bucks. Heaven forbid someone should actually need the services they claim to provide.

So the bottom line is always pay attention to what you are signing and don't sign anything if you're currently on any combinaion of pain killers. Another piece of advice: don't get cancer. Okay, so you can't control that. But something you can control is your own finances. One certainty in a world of uncertainty is that if it's easier for them to screw you than do the right thing, they'll screw you.

Victor Nolan, 3L

Judicial interpretation: activist vs. originalist?

Question: Should federal judges be required to have their decisions grounded in constitutional or statutory law, or is it appropriate for a judge to rest his or her opinion on outside authority?

By Benjamin Zober
GAVEL COLUMNIST

For some reason, the Founding Fathers got lazy and forgot to include a whole lot of important things. They left out the Air Force, school segregation and completely forgot to mention Terry Schiavo by name. While this may have simply been a result of the fact that they had to make their own pens out of feathers and it was easier to stop when they did, there might be some other explanation. It wasn't a problem until the courts became flooded with problems other than speeding tickets.

Judges, thanks to our glorious namesake Marshall, actually had to start working for a living. Judges could look at the original intent of those scribes and stop there. However, someone probably pointed out that those same guys were okay with slavery.

Heck, some were extremely okay with slavery. Fortunately, we have grown up. Now we only let convicts provide us with free labor. Judges could continue to look solely at the letter of the law, although that could be constraining, and in truth, about half of those letters were Ben Franklin's fan letters to Little Debbie.

Judges should rely on outside information to make decisions when they need to. The trick is using this power for good and not for evil. Bringing antiquated laws into the modern context needs some sort of bridge, something more scholarly than a Magic 8-Ball and a bit more specific than considering your "What Would Tawney Do?" bracelet. We need to be able to apply modern interpretations to the laws, otherwise they lose all meaning in a modern world. The only way to keep them relevant would be to just toss them out and pass new legislation for every situation that arises. If you thought Congress was slow before, just wait until they have to respond to every lawsuit from someone who had it their way at Burger King a few thousand too many times.

A decision should reflect the established law, but sometimes the facts call for consideration of external social factors.

Sometimes you feel like a nut, sometimes you recognize that a law enacted in 1787 really doesn't help regulate Internet porn. Putting laws in perspective requires more than the standard old white man can provide. The law does not always evolve at the same rate as society, but judges who acknowledge these changes give it a fighting chance. The Founding Fathers never would have allowed it, but now Bert and Ernie are free to live how they choose; the "felt necessities of the time."

We don't feel compelled to respect the foreign cultures we crush and replace with "Playskool My First Democracy Playsets." If we won't consider their jurisprudence or the work of their scholars, the decisions we hand down in international law will mean nothing in foreign nations. Not all countries have societies comparable to ours. How can we apply only our own standards when we are dealing with people and countries where they don't even have TiVo? If judges can take the cultures and legal traditions of these countries into account, their decisions reflect humanity; something a law can never provide.

Justice demands that the laws of yesterday conform to the values of today. As society progresses, providing a modern context for the laws is essential. If we can't find a contemporary understanding of the laws, we will be stuck in the past and "American Idol" will remain the most equitable institution in America. Constitutional law should remain the centerpiece of judicial decisions, but if we don't get up and hit the buffet, we may be stuck dancing with the ugly stepsister of precedent when the band comes back.

By Steve Latkovic
GAVEL COLUMNIST

There are two pieces of this question.

One is easy to address. The easy one is that not all law is based on statutory law. My point here is simply that common law exists. I think this judicial power has been abused at times, but generally common law still serves a valid purpose.

The second part isn't so easy – constitutional interpretation. The reason it's not so easy is because there has been a recent push to utilize alien law within our jurisprudence.

A perfect example is *Roper v. Simmons*, decided in March, which up-rooted the Constitution and ruled execution of minors is "cruel and unusual." Aside from legislating from the bench (in an absurd statement, Justice Kennedy states, "[a] majority of states have rejected the imposition of the death penalty on juvenile offenders under 18, and we now hold this is required by the Eighth Amendment"), the Court perversely cites international standards.

Through double talk, Kennedy first says the United States is the only nation remaining which allows capital punishment of minors, but then dictates international law doesn't control saying, "[t]his reality does not become controlling, for the task of interpreting the Eighth Amendment remains our responsibility." As much as Kennedy tries, he cannot have it both ways. You either do or don't consider international standards. If they are not controlling, why even tread into murky waters? As Kennedy is often one of two deciding votes for so many close opinions, his reliance particularly worries me.

But, use of alien law, I believe, is a subset of the heart of this conflict – the battle between originalists and everyone else.

Justice Ginsberg recently gave a speech on the use of alien law, citing a number of bogus reasons why its integration into our constitutional system is appropriate. Ginsberg used the opportunity to attack originalist thought as "frozen in time" (for a great article on why Ginsberg's use of *Dred Scott* to attack originalism is "crude," see http://nationalreview.com/comment/whelen). The basis of Ginsberg's argument rests on the idea that "evolving standards" change and so must the Constitution. So you can see how use of foreign law is so delightful to her. It opens up all kinds of new "interpretation" doors, pulling in all kinds of rhetoric from progressive, international groups.

If the Founding Fathers designed a document to change with judicial whims, why did they include an amendment process? *Roper* is the perfect example. Kennedy reasons since enough states now outlaw minor execution, the Eighth Amendment demands its prohibition. But change in popular opinion is not constitutionally binding.

Point in fact–gay marriage. Popular support is against it, but for many reasons, there isn't enough support (I call it lack of backbone) to actually amend the Constitution. While I seriously doubt the Court would consider outlawing gay marriage based on popular opinion, this is essentially exactly what it did in *Roper*. The intrusion of international standards just muddies an already uneven application of interpretation standards.

In fact, the use of foreign references is frighteningly increasing, having been used in part to justify both the Michigan racial cases in 2003 and *Lawrence v. Texas*, the "my constitutional right to sodomy" case. The use of foreign law in *Lawrence* is particularly chilling because that case overruled the Court's previous decision from just 1986, which is equivalent to last week in the Constitutional precedent timeline. So one can see the potential impact foreign law can have on our constitutional jurisprudence.

With my last words, I'd like to say it's been an honor to write for the Gavel, and I appreciate the editors' support for this column.

Conservative rebuttal...

The bottom line is that Zober and those who also have a "contemporary understanding" do not truly believe in constitutionalism. They believe in collectivism. And that's scary. I'll be the first to admit not every issue today can be pegged into a hole in the Constitution. But the Zobers of this country don't even pretend they care to try. And why should they when activist judges like those in Massachusetts push their liberal agenda. After 200 plus years, how does the Massachusetts Constitution *now* say gays have the right to marry? I realize it's a state constitution, but the parallel remains.

The point is Zober can't provide us with a sound reason for collectivism, other than rantings about the Founding Fathers being racist and sophomoric metaphors about Playskool. His column contains not one logical reason to support his view our constitutional "interpretation" should be based on whatever today's societal opinions hold. I simply fail to see the relevance of Tivo in our constitutional system.

Collectivism tears apart everything this country was built on – the rule of law. It's axiomatic the words chosen for our Constitution had meaning, and just because almost 250 years have gone by doesn't mean those meanings have changed.

Liberal rebuttal...

I'm sorry that you are filled with so much hate and intolerance. You don't have to like people's lifestyles to acknowledge that they should be free to live their lives. Nor do you have to like minorities to admit that they have been shortchanged throughout history, and until they are rewarded solely on their merits, we should find some way to level the field. I'm also sorry that you have no understanding of suffering. I don't want you to suffer. In fact, I hope you never know the anguish of prejudice. However, if you had one shred of human compassion, perhaps you would feel differently about laws that fail to accommodate people's basic humanity.

These are the laws that endure; the sort of laws that existed throughout the world while we still had slavery. Maybe it's "chilling" that emancipation came after Dred Scott in even less time on your "precedent timeline."

For the persecuted, relief can't come soon enough. When we torture and humiliate human beings for sport while the rest of the world respects humanity, it reminds us that we do not have a monopoly on morality. The Constitution can handle the progress of morality and right. Can you?

President elect sets agenda

By Brendan Healy
SBA PRESIDENT ELECT

First and foremost, I would like to thank you all for giving me the opportunity to serve as your SBA President. You have elected a very ambitious group of officers who are committed to improving your law school experience.

This past year, SBA worked diligently with career services, CSU, Aramark and the C-M faculty and staff to improve the quality of life for C-M's students. However, further change is necessary.

Some of our objectives include improving common areas in the law school, improving communication between SBA and other law student organizations, continuing to work with Aramark and the university to ensure that we have adequate food service and ensuring that part-time students are well represented and not overlooked in C-M's long-term plans.

SBA and Law Review will have a social – time and place yet to be determined – on May 19. I invite you all to come out and meet your incoming SBA officers and thank the out-going officers for their hard-work and dedication this past academic year.

Finally, I will be around all summer, so please do not hesitate to contact me by e-mail if you have any questions or comments. I wish you all good luck on your final exams and to the graduates, good luck on the bar.

Democracy triumphs over tyranny

The Gavel
Editorial Opinion

Democracy is government by the people in which the supreme power is vested in the people and exercised directly by them or by their elected agents, under a free electoral system. In the phrase of Abraham Lincoln, democracy is a government "of the people, by the people and for the people." Democracy is the institution in which freedom is evident.

During President Bush's second inaugural address to the nation, he remarked that it is "the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world."

The president's critics could not wait to attack his remarks. In fact, many critics believe that spreading democracy throughout the world is an unattainable goal. Some have even said that the president must be in some sort of fantasy world to think that ending tyranny and spreading democracy can be a reality.

Why are these lofty goals? Perhaps most critics, including 40 percent of Americans, have forgotten 200 years of this country's history.

In the 1970s, there were about 40 democracies in the world. As the 20th century ended, there were 120 democracies in the world.

Democracy is unattainable? Tell this to the people of South Africa, India, Ghana, Kenya, Afghanistan and Iraq. Liberty will come to those who love it.

As Lincoln so eloquently said, "Those who deny freedom to others deserve it not for themselves; and under a just God, cannot long retain it."

President Bush may be a dreamer, but at least he has not forgotten what is at the foundation of a legitimate government…freedom.

It is a blessing that those cynics were not present when the Liberty Bell was sounded in celebration of the Declaration of Independence.

Critics have no idea about Saddam Hussein's rein of terror. Over 100,000 Kurds killed or disappeared. Between 60,000 to 100,000 Shiite Muslims and Iraqi dissidents killed during Hussein's dictatorship. More than 450,000 Iranians killed during the Iran and Iraq war.

Some believe that democratic elections in Afghanistan and Iraq would never happen.

In the past months, Iraq, Afghanistan and the Palestinians held democratic elections. Moreover, the Lebanese took to the streets of Lebanon and forced the resignation of the Syrian controlled government.

To Mr. Bush's critics, pay heed to this: in a recent poll, conducted by *CNN*, *USA Today* and Gallup, two-thirds of 624 adults surveyed agreed that the growth of democratic movements in every nation should be a top or high priority for the United States.

Without a doubt, the best hope for peace in our world is the expansion of freedom in the world. Over time, free nations grow stronger and dictatorships grow weaker.

After the Japanese surrendered in 1945, some so-called experts asserted that democracy in that former empire would "never work." The same was said in post-Hitler Germany. So much for that.

No one said that it would be easy. But a million thanks to the individuals who are willing to stand up for democracy rather than succumb to the status quo.

Critics would argue, why not spread democracy in Durfar, Benin, Syria and Rwanda? The answer is simple. A greater evil existed in Iraq in Saddam Hussein. Allowing Hussein to remain in power would have been equivalent to the world standing by as Hitler invaded France and Poland.

As noted by British Prime Minister Tony Blair, "When people decided not to confront fascism, they were doing the popular thing. They were doing it for good reasons and they were good people. But they made the wrong decision."

In order to sustain democracy, do not forget that what it meant in 1776 must be what it means today. Democracy cannot only be a "concept" unique to Western civilization. It is indeed a way of life that ought to be common-place to the world. There can be no human rights without human liberty.

Some skeptics of democracy declare that democracy cannot exist in Muslim countries. But democracy is not new to Muslim countries. Turkey, Indonesia, Senegal, Albania, Niger and Sierra Leone all have some form of democratic governments.

The question ought to be what can we do to bring freedom to this country, those people or this group.

Thank goodness for those who were bold and daring to ignore complacency and fight for democracy. Thanks to Abraham Lincoln, Franklin D. Roosevelt, Winston Churchill, John F. Kennedy, Nelson Mandela, Shirin Ebadi and Wangari Maathai.

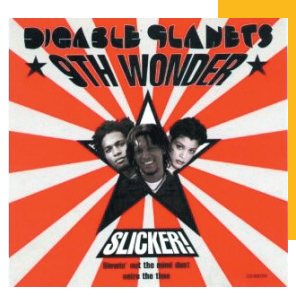
Cleveland venues host inaugural rock fest

By Ryan Harrell
STAFF WRITER

Despite being home to the Rock and Roll Hall of Fame, Cleveland doesn't seem to get its due as a music town. The Rock Hall's annual induction ceremony is held in New York, and the last big act to come out of this town was Bone Thugs-n-Harmony. This June, this diminished status may change as our city is playing host to the CMJ Rock Fest in its inaugural year.

The festival is a joint venture between the College Music Journal (CMJ) and the Rock Hall. CMJ is well known among audiophiles for tracking the eclectic playlists of college and small independent radio stations, as well as bringing attention to emerging artists. In this spirit, it is not surprising that the line-up for this festival features a diverse range of acts that have reveled in underground cult status rather than mainstream prominence.

The largest of these acts is post-punk stalwarts the Pixies, who kick off the festival on Wednesday, June 8, playing an early show inside the Rock Hall, as well as a late show at the Scene Pavilion in the Flats. Over the course of the next three days, several of Cleveland's music clubs will be hosting 14 shows. Each venue seems to cater to a specific genre. The Grog Shop in Cleveland Heights is featuring British indie-rockers The Futureheads on Thursday and the sleazy psychobilly of Nashville Pussy on Saturday.



The Agora in midtown is hosting underground hip-hop with the Digable Planets on Thursday and Gym Class Heroes on Saturday. Fans of '90s trailblazers Pavement will want to see former frontman Stephen Malkmus play Thursday at the Beachland Ballroom in Collinwood and will likely want to stick around for the indie-pop sensibilities of Spoon the following night.

Closer to C-M, Peabody's plays to the metal and hardcore crowd, with performances by the Misfits and Powerman 5000 on Thursday and Friday, respectively.

In addition to these national acts, the festival will also feature 30 regional and local bands. From noon to 6 p.m., Thursday through Saturday, $10 will buy admission to the festival village, where these bands will be playing consecutive sets on two stages. These bands were selected from over 1,100 submissions and, for many, this will be the largest crowd to which they have played. Because this festival will attract people from out of town, and because these performances won't conflict with the headlining acts, local musicians will have the opportunity to expand their bases outside of the Cleveland area.

Finally, for those more interested in hearing about the music than actually hearing it, the Rock Hall will be offering speaking engagements. On Thursday, industry luminary Seymour Stein, who signed the Ramones, Talking Heads and Madonna, will be speaking, as will old school rap pioneer Grandmaster Flash.

In the short term, this event will bring business to downtown and the venues involved. As for the long term, this just might be the event to make one declare "Cleveland Rocks!" without the subsequent giggling.

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Pull the wheelchair over

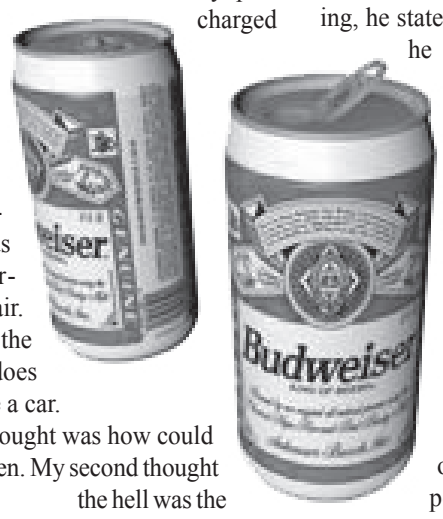
Judge's discretion trumps overzealous prosecutor in absurd case

By Josh Dolesh
GAVEL COLUMNIST

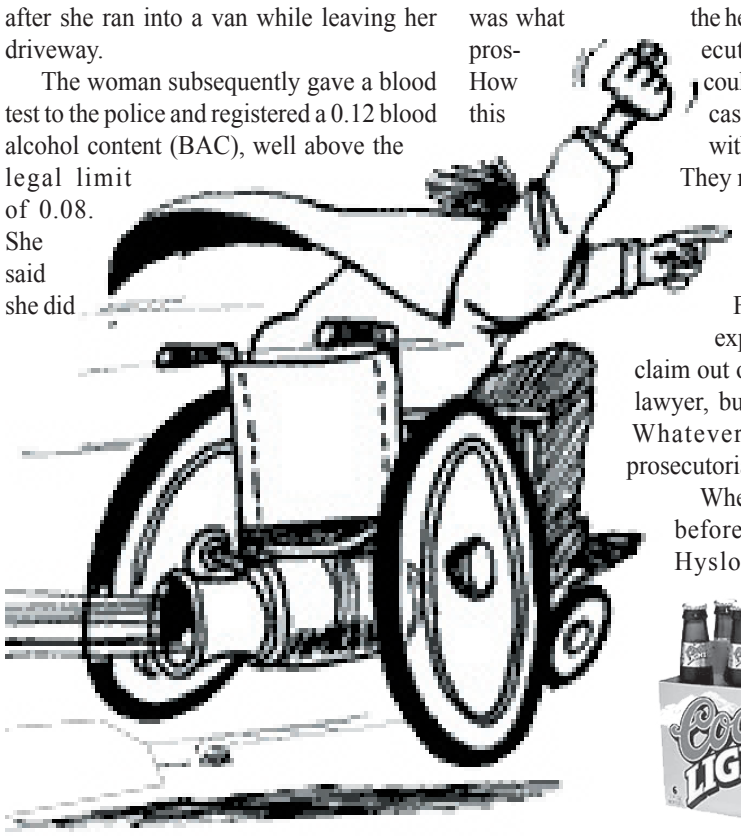
My three years are over. I have done the time, but still, I have not figured out the crime. I guess this is the time in my law school career when I should wax pedantically about the law and all its virtues, but the end of my school career seems so anticlimactic. What is there to be happy about? A 100-hour work week? Chronic dyspepsia?

At least law school has given me the chance to learn how to decide the tough legal questions. Recently, I came across an interesting case. According to the St. Petersburg Times, a woman was charged with driving under the influence (DUI) after she ran into a van while leaving her driveway.

The woman subsequently gave a blood test to the police and registered a 0.12 blood alcohol content (BAC), well above the legal limit of 0.08. She said she did not recall if she took painkillers that morning. Now comes the tricky part. The woman was charged with the DUI was not even in her car, she was not on her bike or even a skateboard. She was in her motorized wheelchair. According to the woman, she does not even drive a car.



My first thought was how could this even happen. My second thought was what the hell was the prosecutor thinking. How could anybody bring this case before a judge with a straight face? They must be running out of drug dealers to prosecute in Florida. I would expect this type of claim out of a tort defense lawyer, but a prosecutor? Whatever happened to prosecutorial discretion?



When the case came before Judge Peyton Hyslop, it was dismissed. The judge analogized the wheelchair to a person's legs. In his ruling, he stated that if he allowed the prosecution to continue, the police would then be able to give a DUI to anyone who was drunk and standing up.

Perhaps this case reflects one of the most important aspects of our legal system that is forever being eroded by strict positivists. This case stands for judicial discretion. It is debatable whether the motorized wheelchair would fall under Florida's DUI statute, but what is not debatable is this ridiculous charge. Before I came to law school, I never realized that there was a movement to limit judges' discretion in cases like this one. What would have happened if this woman were convicted? I do not know. But what worries me is that there could be a law somewhere that would require mandatory penalties in a case like this.

The absurdities aside, I would like to thank my readers for taking the time to read my rants over the past two years. I would also like to thank my friends and professors who gave me the encouragement and confidence to write for The Gavel. I would especially like to thank the legal writing department, in particular, Carolyn Broering-Jacobs and Barbara Tyler, for giving me some of the best overall writing instruction I have ever received. Farewell C-M.

I got by with a little help from my friends

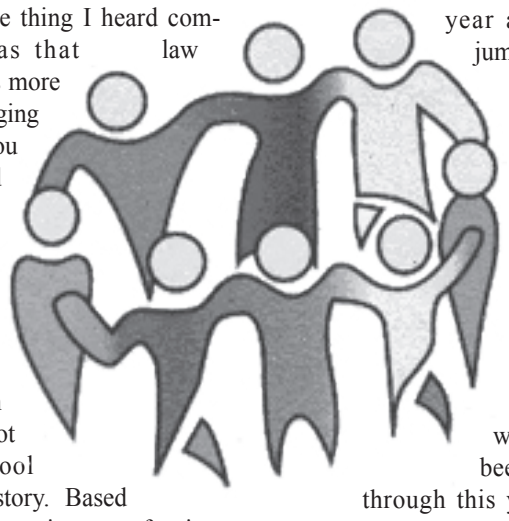
By Michael Brown
GAVEL COLUMNIST

The following is the final of a six-part series following a first year C-M student from orientation to spring exams.

I can't believe that this year is almost over. In a lot of ways, it doesn't seem like that long ago when I was sitting in orientation wondering what the heck I was doing here, wondering what this year was going to be like, wondering whether this was going to be the life-changing experience everyone said the first year usually is. Unfortunately, nine months later it's hard for me to believe that there's life outside of law school, so trying to look back on all of this is somewhat alien.

1L
First year life
Part VI

Probably the best advice I received before beginning this year was to find a study group. In a lot of ways, my daily study partners have been my law school saviors, especially right before and right after exams. And it isn't just that they helped me learn the concepts and get ready for classes (which they certainly did), but perhaps the most valuable thing was the support and encouragement they provided, even if it was just taking a break to talk about the weather, politics, sports or anything else not law-related.



The one thing I heard coming in was that law school was more about changing the way you think and less about what you learn while you're in it. In that regard, I'm probably not a law school "success" story. Based upon my experience so far, it just seems like the "legal mindset" is a little too dehumanizing for me to buy into.

I don't want to see all of my daily interactions as questions of economic liability or legal theory. It just feels like the "legal mindset" ignores the pragmatic human consequences too often and focuses discussion solely on the "contest" between plaintiff and defendant (as legal parties) and not between Mr. Smith and Mrs. Jones (as people). Perhaps this is something dealt with more in the second or third year and I'm jumping the gun, but this just doesn't seem right to me.

Regardless, a lot of what I've been going through this year has changed my daily life profoundly. I've often found it difficult to discuss school with non-law-related professionals or non-law students, probably because of all the jargon I've picked up and because they often don't realize everything that the legal system encompasses and where it came from.

And I definitely have a new respect for many of the oft-criticized aspects of our legal system; despite what I think about the "legal mindset," I've been struck by how hard a lot of judges and lawyers work to try to make legal decisions both legally sustainable and pragmatically fair.

I guess to wrap things up, I'm certainly not sorry to see this semester end. Everyone warned me about how exhausting and pressure-filled the first year was going to be, but having someone else describe it can never replace experiencing it.

I'm still trying to digest a lot of what I've gone through and learned. But I think that working this summer is going to give a lot of the "book-learning" from this semester a pragmatic foothold. But in the end, I'm sure I'll be thankful for having gone through all of this, and that will make it all worth it.

Open Mike

3L sounds off on recent events

By Michael Luby
STAFF WRITER

I was talking to my neighbor, and if you were forced to go on paper intelligence, I am supposedly smarter than he. He mentioned how I was [hopefully] going to be a lawyer and the fact that he, a tool and dye maker, could be replaced at any moment with someone else for less wages. Joe has a family. A wife and one son, who mostly depend on him as a provider. I thought to myself, no wonder the system is all wrong.

In its most obscure way, Joe is scared. There is the possibility that his job may be outsourced off American soil. Perhaps, it was the fact that he is convinced I can survive merely by "being a lawyer" but it brought home many thoughts that have raged for years throughout C-M.

No. 1: The school needs to get the hell out of the *U.S. News* basement.

Now I know as much as the next person that *U.S. News* is irrelevant in the eyes of most people who are in the know. But for those thousands of applicants who don't each year, it's a problem. And that problem is something that must be looked at in terms of the system.

Joe said to me that although he does not make a lot, he has to stay in Cleveland or else he won't make anything elsewhere. He's conformed to the system. Now, I don't know how *U.S. News* calculates its rankings but there has to be some formula. C-M needs to conform to the system. Who cares that it's morally wrong or lacks professional integrity. A system can only be changed from the inside out. And staring up from the basement does little to help the cause.

No. 2: bar passage rates are abysmal.

Well, once again we took down Dayton and Capital with our 57 percent pass rate. There's obviously something wrong here. The numbers are not going up and I keep hearing changes are being made. They are not working. Now, according to the *Plain Dealer*, Ohio is not growing. And businesses are leaving. That equals more lawyers for less work. The fact is, they are not going to close a law school and that leaves us. Something needs to be done, now.

No. 3: There's more to life than being in the bottom 50 percent.

Bob Dylan once said, "How many roads must a man walk down, before you call him a man?" I don't ever remember a day when Joe wasn't smiling or a day when he didn't yell out with lunch pail in hand, "Howdy neighbor!" It just proves that everyone at C-M, by simply being there, is "[hopefully] going to be a lawyer." And, because of that fact, you are already at an advantage. So take the road you're on, and walk another, because eventually, the numbers won't even matter.

And with that, good luck Marshall, I wish you well and everything and everyone in it. Geoffrey Mearns, you have your hands full. Don't lose sight of the reason you're here.